

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

COOK PRODUCTIONS, LLC,

Plaintiff,

v.

**Civil Action 2:16-cv-1192
Judge Michael H. Watson
Magistrate Judge Elizabeth P. Deavers**

JOHN DOES 1-15,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Order directing Clerk to serve subpoenas. (ECF No. 9.) In the Motion, Plaintiff requests that the Court order the Clerk to serve Subpoenas for production upon third-parties, pursuant to Local Rule 4.2(a) for the U.S. District Court for the Southern District of Ohio. Local Rule 4.2(a), however, applies to service of the summons and complaint "and is not intended to affect the procedure for other methods of service permitted by the Federal Rules of Civil Procedure" S.D. Ohio Civ. R. 4.2. As a result, Plaintiff's Motion is **DENIED**.

The Court notes that service of the Subpoenas in question (ECF Nos. 9-1, 9-2) is governed by Federal Rule of Civil Procedure 45, which provides that "[a]ny person who is at least 18 years old and not a party may serve a subpoena." Fed. R. Civ. P. 45(b)(1). The Plaintiff in this case is not indigent, and, therefore, the Court is not obligated to direct the Marshal's Service to serve its subpoenas. *Cf.* 28 U.S.C. § 1915(d). Instead, Plaintiff, through its counsel,

may arrange for service of the subpoena itself, under the authority of the Court's February 13, 2017 Order granting leave to take discovery prior to the Rule 26(f) Conference. (ECF No. 7.)

IT IS SO ORDERED.

Date: March 15, 2017

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE